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Chapter 87 is still in committee— Make your voice heard!

In a two-year session of the Legislature, thousands of bills are filed, some of which result in legislation producing the laws of our Commonwealth. **Only those bills that receive widespread support from across the Commonwealth are voted into law.**

For the past several years, the Massachusetts Tree Wardens' and Foresters' Association has been advocating for changes to *Chapter 87: Shade Trees* in order to modernize the law and align it with current tree knowledge and practice.

The proposed revisions are currently working their way through the legislative process as Bill H.1842, 188th General Court (Current). The bill remains in the House Committee on Ways and Means.

Time is running out to pass this bill before the 188th Session ends. This is a critical time to urge our legislators to move the bill forward out of committee.

Please support these revisions by sending a letter (or email) to one or more of your local legislators. Search for their names and contact information at www.malegislature.gov/People/FindMyLegislator.

MTWFA has created a sample letter for your personalization, or write your own. Download the sample letter at www.masstreewardens.org/ch-87-proposed-revisions/.

Let's get it done this time!

Dr. Brian Kane receives Alex L. Shigo Award for Excellence in Arboriculture Education

Dr. Brian Kane, the Massachusetts Arborists Association Professor of Arboriculture at UMass Amherst, has been awarded the Alex L. Shigo Award for Excellence in Arboricultural Education from the International Society of Arboriculture (ISA). This award recognizes the important role that education plays in enhancing the quality and professionalism of the arboriculture industry through sustained excellence in arboricultural education. The ISA has over 22,000 members worldwide and selected two recipients for this year's award, an impressive accomplishment for Brian. Congratulations!



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Karen Doherty, MTWFA Executive Director

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MTWFA MASSACHUSETTS TREE WARDENS' AND FORESTERS' ASSOCIATION



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From the President



Well, it's time say goodbye to summer. The annual conference is four short months away. Our conference chair, Vice-President Bob LeBlanc, has been working long and hard to secure a great line-up for the program. The 2015 annual conference will feature many good presenters and a strong emphasis on safety. You definitely do not want to miss this one!

Interest continues to grow in the training workshops of the Professional Development Series (PDS). July's Bucket Truck Safe Operations in Amherst was a huge success, with attendees giving high marks to the presentations by Mark Chisholm and Calvin Layton. In October, the 2014 PDS series will conclude with the ever-popular Dan Tilton demonstrating Chainsaw Safety. For those who have not had a chance to attend one of the onsite Tree Planting PDS sessions, Rick Harper and I will be giving a webinar presentation on Thursday, October 9. See the website for details on how to connect.

I am still interested to set up a mutual exchange with another fellow tree warden. I am always curious to know how other folks run their tree programs, and to try new ideas in Cambridge. If you are interested in participating, please send in an application today. You can find the simple application form on our website, or call the MTWFA office to request one.

Over the past year, we have had several members express interest in getting involved with the Executive Board. This is great to see! Following January's annual meeting elections, we look forward to seeing some new faces joining the board and taking the association to the next level. If you are interested in getting involved, please contact Karen Doherty or me.

I hope you all have a great fall planting season, and I look forward to seeing you at the 2015 annual conference on January 13-14.

David Lefcourt, MCA
President 2013-2014

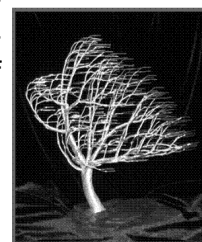
Update: Robert Childs Student Assistance Fund

Created by a board vote in June, the Robert Childs Student Assistance Fund has been established to recognize Bob's impact on so many in both our association and the wider industry—students, professionals, and friends. At its September meeting, the MTWFA board further defined the Childs Fund. With a desire to continue Bob's legacy, the board voted to begin the fund with an initial base of \$5,000 and to dedicate a percentage of revenue from all future professional workshops of the association.

The board feels it is most fitting to develop a fund that can be used to help young people as they work their way through school—by purchasing a computer, buying books, perhaps paying for a workshop, or anything else they may need to help them grow into strong members of the green community. The intent is to provide support for current and future students just as Bob has helped so many of us over the years. 🌱

Call for Nominations: 2015 Tree Warden of the Year

The MTWFA Awards Committee is now accepting nominations for the Tree Warden of the Year Award. The award will be presented at the Annual Conference in January, where the recipient will be recognized and presented with a sculpture



of a silver windswept tree. In the spring, an Arbor Day Celebration in the home community will include a tree planting by the MTWFA in honor of the recipient. The application brochure is mailed to government leaders in all Massachusetts cities and towns in October and may also be printed from the website, www.masstreewardens.org. The deadline for applications is December 1st. For further information please call the MTWFA office at 781-894-4759. 🌱



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Lenox, Stockbridge face \$800K suit in 2012 death of man struck by tree

By Clarence Fanto cfanto@yahoo.com
Special to the Eagle
Posted 8/18/2014

Captured online 9/6/14 from
http://www.berkshireeagle.com/News/ci_26360159/Lenox-Stockbridge-face-800K-suit-in-2012-death-of-man-struck-by-tree

The family of a Sudbury man who died after a rotted tree fell on him as he returned to his car on Richmond Mountain Road following a nighttime Tanglewood concert is seeking \$800,000 in a negligence claim against the towns of Lenox and Stockbridge.

The road bisects the two communities and at the time of the July 4, 2012 incident, the precise location of the tree, before and after it fell, was believed to include both towns.

The claim, received in a demand letter from the Boston attorney representing the estate of Lester J. Holtzblatt, was referred by both towns to their insurer, the Massachusetts Interlocal Insurance Association (MIIA).

Holtzblatt, 61, was a senior principal systems engineer at the Bedford office of the MITRE Corp., a global nonprofit that operates federally funded research and development centers.

He was returning to his car with his wife, Karen, following a James Taylor concert when the tree suddenly collapsed on the roadway leading to the Kripalu spa, where the couple had parked. At the time, Lenox police termed the tragedy "an act of God."

In his letter to town leaders on behalf of the Holtzblatt family, Boston attorney Bradley M. Henry contended that the towns "knew, or reasonably should have known that the long-dead tree presented an imminent safety hazard."

Detailing the incident, Henry wrote that "unfortunately, due to the negligent inspection of

Continued next page



Continued from previous page

the trees along Richmond Mountain Road near Tanglewood, Mr. Holtzblatt lost his life as one such tree broke in half, fell and struck him. Mr. Holtzblatt died laying in the roadway with first responders trying to revive him."

In support of his written claim, the attorney, who was unavailable for comment at his office on Monday, attached a report from EMT responders at the scene noting that "the tree appeared rotten." On-scene photos, also attached, depicted a "rotted center and core of the tree, and an exterior stripped of virtually all bark and branches," Henry stated.

"Mrs. Holtzblatt is both hopeful and confident that an amicable and appropriate settlement of this matter can be reached in the near future without the need for litigation," the attorney's letter added.

At the time of his death, Henry wrote, Holtzblatt was earning \$150,000 a year with no specific plans to retire, and he and his wife had two children and two grandchildren, "upon whom Les doted unabashedly."

Town officials in Lenox and Stockbridge declined comment, pointing out that their municipal insurer was handling the claim. At MIIA, a division of the Massachusetts Municipal Association located in Woburn, the senior claims representative assigned to the case was not available for an interview.

In his claim, the attorney placed the location of the tree in Lenox and wrote that the two towns "by their own formal and informal agreements, as well as custom and practice" shared responsibility for maintaining Richmond Mountain Road and the trees alongside it.

Referring to 16 photos taken at the scene by Lenox police, "to even the naked eye of an untrained and casual observer, the tree appears obviously dead and it was located at the very edge of the roadway," Henry contended. "Any reasonable tree warden or other representative would, and should have immediately recognized that this tree needed

to be removed from the area in order to preserve public safety, particularly in an area that welcomes vast numbers of visitors during the summer months."

The attorney argued that "the failures by the towns of Lenox and Stockbridge in the inspection, care, maintenance and removal of trees along Richmond Mountain Road led directly to Mr. Holtzblatt's untimely, preventable injuries, pain and suffering and, ultimately his death, as well as the negligent infliction of emotional distress and loss of consortium to his wife, Karen."

Citing the details of the case and the financial and emotional impact on the family, Henry wrote: "This is a case in which a responsible jury would likely grant an award in the millions against a private party, and the family and estate of Mr. Holtzblatt are prepared to pursue claims against any and all private parties that were negligent and-or grossly

Continued on page 15

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The USDA Forest Service provides funding for the grant program, and DCR administers the grants with guidance from the Massachusetts Tree Wardens' and Foresters' Association. The DCR Urban and Community Forestry Program assists communities and nonprofit groups in their efforts to protect and manage community trees and forest ecosystems, with the ultimate aim of improving the environment and enhancing the livability of all of Massachusetts' communities.

For more information on the Challenge Grants (including NSTAR GoGreen grants and National Grid Partnership Grants), go to the DCR website or contact Julie Coop at 617-626-1468 or julie.coop@state.ma.us or Mollie Freilicher at 413-577-2966 or mollie.freilicher@state.ma.us. **Hurry—the deadline for intent to apply is October 1.**

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Munching Moths Threaten State's Trees

DANVERS
By Alex Ruppenthal
aruppenthal@wickedlocal.com

*Captured online 9/14/14 from
<http://danvers.wickedlocal.com/article/20140713/NEWS/140719163/?Start=1>. A portion of this article appeared
in the September issue of the online *DCR Citizen Forester*.*

Ken Gooch, supervisor of the DCR Forest Health Program, sits in a small plane and looks down. Spread below him are the coastlines, hills and forests of the North Shore. To the untrained eye, it's beautiful. But that's not what Gooch notices. "I can see pockets of dead trees," Gooch said. "This has been probably some of the worst that I've seen." In the last year, Gooch has mapped 16,596 acres of defoliation across the state. And just about all of it caused by one particular insect — the winter moth.

Since landing in Massachusetts about 20 years ago, winter moths have chewed their way through trees in the eastern part of the state, Gooch said. Gloucester and Rockport have suffered most. Last winter, the Department of Agricultural Resources received 800 reports of moths. And to address the invasion, foresters, gardeners and scientists are trying everything — even enlisting other insects in the fight.

A growing problem

The winter moth arrived on Cape Cod in the late 1990s, a side effect of the high volume of trade with Europe, where a variety of predators and parasites keep the moth in check.

A member of the family Operophtera, winter moths are most active in the winter, flying around the skies of the North Shore in November and December. They lay their eggs on trees — many types of trees are the victims — and the eggs hatch in April and May. The inch-long green caterpillars burrow into the buds of growing leaves. A

single tree can harbor up to 250,000 caterpillars. The tree, rather than gaining energy through its leaves, expends energy trying to replace them. If three of these defoliation cycles happen in a row, the trees can die.

In addition, the caterpillars themselves constitute a health menace, said Jennifer Forman Orth, head of the Massachusetts Introduced Pests Outreach Program. "When the leaves open up, the caterpillars all drop down on these silken threads and they get all over your fence and car and whatever plant they land on, they'll pretty much eat," Forman Orth said. "When the caterpillars are feeding in areas where the infestation is very high, it sounds like rain, but it's frass — basically caterpillar poop."

Gooch said the areas he is mapping show evidence of spreading defoliation. He's sighted defo-



An aerial view of the deforestation in Massachusetts caused by winter moths. COURTESY PHOTO/ KEN GOOCH

liation as far away as Connecticut and Rhode Island, along with the New Hampshire coast. Massachusetts is also receiving reports of the moths in central parts of the state. "We made predictions ahead of time, we kind of knew it was going to be heavy on the North Shore," Gooch said. "There was a really heavy winter moth flight last winter."

Continued on next page

That heavy flight, plus the insulation of a heavy winter snowfall, could contribute to another big year in 2014. That's the concern of Medford Tree Warden Aggie Tuden, who said 80 percent of Norway maples in that city experienced some level of defoliation from winter moths this year. She keeps a notebook where she records sightings of the moths. "Once they hit, they pretty much come back to the same trees, and then they increase their range over time," she said.

"Every tree is a target, a potential target. The conditions were such that a large population survived the winter, so that's why we had so much tree damage this spring." What can cities do to ward off the moths? Not much. "There is no proven way to treat them," Tuden said.

Weird science

But that might be changing. A team of professors from UMass and UConn declared the winter moth an invasive species in 2003. Joseph Elkinton, a UMass-Amherst entomologist, was part of that team, and now he's the state's best hope of saving trees from the moths.

Along with his team at UMass-Amherst, Elkinton is cultivating a population of *Cyzenis albicans*, a fly native to Europe that preys exclusively on winter moth caterpillars. Over the past few years, Elkinton has released thousands of the flies in a handful of communities in Eastern Massachusetts, including Falmouth, Yarmouth, Wenham, Newton and Wellesley, where he said the flies have been particularly effective. "This year, we have more flies to release than ever before," Elkinton said. "I'm confident we're going to begin to fix this problem over the next five years."

How do the flies work? The details are rather gruesome. Elkinton said the flies lay eggs on the surface of leaves. When caterpillars eat the eggs, the eggs hatch and the fly eats the caterpillar from inside. "The beauty of the fly is, it's absolutely a win-

ter moths specialist," Elkinton said. "When the winter moth density declines, the fly density declines with it. People don't notice the flies because it spends its time looking for winter moths."

Elkinton's team, which includes about 20 graduate students, transports the flies from Vancouver. They then release the flies by the thousands; Elkinton said the team has released flies in 11 locations, including North Andover, Rockport and Boxford. Funding for the operation comes mostly from the U.S. Forest Service, which had to cut funding for the project by 15 to 20 percent during the past two years because of the federal sequester. The cost of the program is about \$180,000 per year.

Elkinton hopes the effectiveness of the flies helps maintain steady funding. "We are on the verge of success," he said. "In the town of Wellesley, we established the fly all across the town and have seen high levels of parasitism approaching levels in Nova Scotia. I think we are on the verge of pricking the bubble."

Gooch knows that stopping the moths rests on the wings of Elkinton, or rather, his flies. "That's our best hope right now, is getting [the flies] established," said Gooch, whose research helps Elkinton select locations to release his flies. In the meantime, gardeners and foresters are attempting to control the moths using traditional means until the fly populations take hold. An insecticide called spinosad has had some success killing the caterpillars and gardening specialists recommend horticultural oils and mulching.

But Gooch, who sees the moths' destruction by the acre from above, said stopping the moths would take time — and that's a resource some worry is running out. "They had a 20-year head start, and we're trying to catch up," he said. "It's going to be a long process. It's definitely going to get worse before it gets better." 🐛

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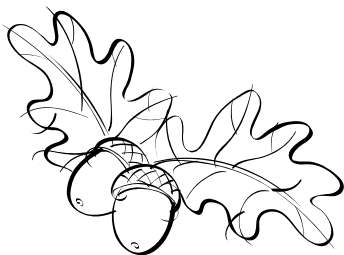
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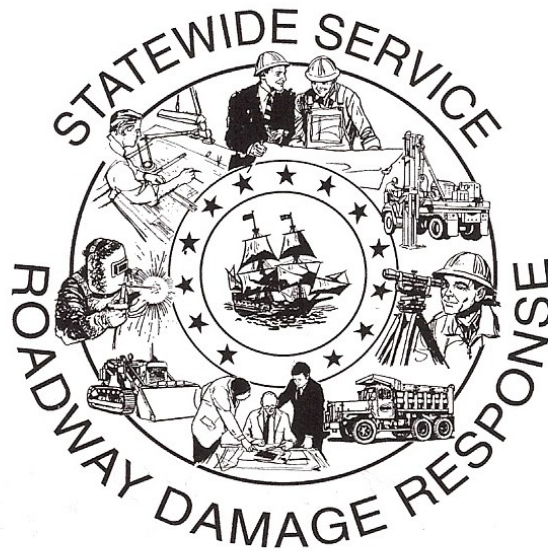
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Lenox, Stockbridge face \$800K suit—*continued from page 6*

negligent regarding this incident."

"Separate and considerably larger demands are expected to be tendered to private parties having any role in this matter," he added.

However, according to the attorney, Mrs. Holtzblatt "would prefer to sit down and discuss how to resolve this matter in a way that, apart from mere and quite limited compensation for the incident, may lead to processes and procedures that might avoid such tragedies in the future."

Messages left for Karen Holtzblatt were not immediately returned on Monday. 🐾

Upcoming USFS Webinar to Address Tree Risk Assessment for Municipal Officials

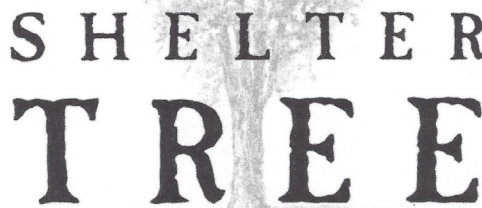
The U.S. Forest Service's **Urban Forest Connections**, a monthly webinar series on the second Wednesday, brings experts together to discuss the latest science, practice, and policy on urban forestry and the environment.

Coming up

November 12, 2014 from 1:00-2:00 pm ET,
Tree Risk Assessment for Municipal Officials
Paul Ries, Oregon Department of Forestry
Jerry Mason, Mason and Stricklin, LLC

These webinars are open to all. Archived webinar presentations and recordings are available at its website, <http://www.fs.fed.us/research/urban-webinars/>. This seminar series is presented by the Forest Service's National Urban Forest Technology & Science Delivery Team. 🐾

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www.joinwebinar.com
code 777-787-551
- October 10** **Registration Deadline**
DCR Tree Stewards Training
mollie.freilicher@state.ma.us
413-577-2966

- October 19** **Making the Cut: Basic Felling Techniques with John DelRosso**
Arnold Arboretum, Boston
www.arboretum.harvard.edu
(617) 524-1718
- October 21** **MAA Safety Saves**
MHS Elm Bank Reservation, Wellesley
www.massarbor.org
- October 24-25** **DCR Tree Steward Training**
Harvard Forest, Petersham, MA
mollie.freilicher@state.ma.us
413-577-2966
- October 24** **Registration Deadline**
UMass Green School 2014
Holiday Inn, Marlborough, MA
www.umassgreeninfo.org
413-545-0895
- November 1** **Application Deadline—Urban and Community Forestry Challenge Grants**
- November 13-15** **TCI Expo**
Hartford, CT
www.tcia.org
- November 12** **USFS Webinar: Tree Risk Assessment for Municipal Officials**
www.fs.fed.us/research/urban-webinars/
- November 18** **MAA Safety Saves**
MHS Elm Bank Reservation, Wellesley
www.massarbor.org

